

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JERRY L. BILLINGSLEY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 02-2920 BV
	)	
SHELBY COUNTY, et al.,	)	
	)	
Defendants.	)	

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ORDER DENYING PLAINTIFF'S SECOND MOTION TO STRIKE DEFENDANT  
OFFICER JON KIRKLAND'S SUPPLEMENTAL RULE 26(a)(1) DISCLOSURES  
(NO. 147)

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Before the court is the April 19, 2005 motion of the plaintiff, Jerry L. Billingsley, proceeding pro se, entitled "Pro Se Plaintiff's Objection, to Defendant's Rule 26(a)(1) and Motion for Clarification, on How to Proceed, and Remedy." U.S. District Judge J. Daniel Breen construed the motion as an objection and motion to strike the defendant's supplemental Rule 26(a)(1) disclosures that were presented on or about February 25, 2005. The plaintiff contends the supplemental disclosures contain the names of individuals who were not previously disclosed to him and whom he has not had an opportunity to depose. The motion was referred to the United States Magistrate Judge for a determination. For the following reasons, the motion is denied.

Billingsley filed his first motion in opposition to the

166

defendant Jon Kirkland's supplemental disclosures on March 9, 2005. The court treated the first motion as a motion to strike and denied the motion because the certificate of service filed by Billingsley was defective and Billingsley failed to attach his discovery requests and Officer Jon Kirkland's initial and supplemental disclosures to the motions.

Billingsley has again failed to attach Officer Jon Kirkland's supplemental disclosures to his current motion. Nor has Billingsley sufficiently explained to the court why he would be prejudiced if not permitted to depose the individuals named in Kirkland's supplemental disclosures. Consequently, the court is unable to determine the number of individuals named in the supplemental disclosures who were not previously disclosed, the nature of the relevant information possessed by these individuals, whether the information possessed by these individuals was available through other sources, and what prejudice, if any, would result to the plaintiff if these individuals were not deposed. In addition, Billingsley had failed again to consult with defense counsel before filing his motion.

Accordingly, Billingsley's motion is denied.

IT IS SO ORDERED this 11th day of May, 2005.

  
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DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 166 in case 2:02-CV-02920 was distributed by fax, mail, or direct printing on May 13, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT